IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 14777 of 2005

Between:

Gadeela Seshi Reddy, S/o Ranga Reddy, Sarpanch,
Gram Panchayat Zapthi Linga Reddy Pally Village,
Thoguta Mandal, Medak District

..... PETITIONER

AND

1 The District Panchayat Officer, Medak at Sngareddy
2 The Divisional Panchayat Officer, Siddipet Medak District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of Mandamus, declaring the show cause Notice No. 2394/2004/A6-pts. dt 21-6-2005, but received by the petitioner on 2-7-2005 of the 1st respondent herein as illegal arbitrary, unreasonable, contrary to the provisions of A.P. Panchayat Raj Act and the Rules made therunder and also violative of Articles 14, and 21 of the Constitution of India and issue a Consequential direction to the respondents herein not to give effect to the same.

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

The Court made the following :

ORDER:

The Writ Petition is filed challenging the show cause notice dated 21.06.2005 issued by the first respondent alleging certain financial irregularities against the petitioner, who is Sarpanch of Zapthi Linga Reddypally Village, Thoguta mandal, Medak district; directing to submit his explanation within seven days from the date of its receipt and meanwhile withdrawing his cheque drawing powers until further orders.

It is submitted by the learned counsel for the petitioner that the impugned show cause notice is vague and the particulars of alleged irregularities over which the first respondent intended to conduct enquiry, are not mentioned in it, and that even before submission of explanation by the petitioner, the first respondent withdrew his cheque drawing powers in the same notice, which is quite illegal.

The learned Government Pleader appearing for the respondents submitted that when the first respondent visited the village on 22.04.2005 to conduct enquiry, the petitioner did not attend the same nor produced any records within the time promised by him, and without submitting explanation, approached this Court and so, the Writ Petition is not maintainable.

After hearing both sides and considering the facts and circumstances, I deem it appropriate to dispose of the Writ Petition with a direction to the petitioner to submit his explanation within a period of two weeks from today and the respondents shall dispose of the explanation within a period of eight weeks thereafter in accordance with law. Till such time, the respondents are directed not to give effect to the show cause notice. No order.

12.07.2005

DRK

Copy to:

1 The District Panchayat Officer, Medak at Sngareddy
2 The Divisional Panchayat Officer, Siddipet Medak District

3 Two CCs to the G.P. for Panchayat Raj and Rural Development, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

4 Two CD copies.